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STATE OF MICHIGAN
DEPARTMENT OF LABOR & ECONOMIC GROWTH
LANSING

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House Bills 6327-8 (As Introduced)

Topic: Employment of Illegal Aliens
Sponsor: Representatives Angerer and LeBlanc
Co-sponsors: None
Committee: House Oversight and Investigations

Date Introduced: July 23, 2008

Date of Summary: August 13, 2008

The bills prohibit the employment of illegal aliens. They are not tie-barred.

House Bill 6327 creates the Employment Eligibility Verification Act. Employers would be prohibited from recruiting, hiring, or referring persons for employment in Michigan if the employer has actual or constructive knowledge that the person is an unauthorized alien. If an employer has not received information indicating that documentation or status is false or no longer valid, the employer can be protected from violating the prohibition by doing one of two things. First, the employer can request from the individual, receive, and document in the employment record, employment eligibility verification information. This information is defined by the bill as the documentation required in completing federal Form I-9. Such employment eligibility verification must be done prior to employment. Second, the employer could verify eligibility by using the federal electronic work authorization service of the Department of Homeland Security. A violation would be subject to an administrative fine of \$1,000 for each individual employed in violation. Subsequent violations would be subject to higher penalties, ranging from \$2,000 to \$5,000. The Department of Labor & Economic Growth would be the administering agency.

House Bill 6328 creates the Legal Employment Preservation Act. An employer is prohibited from knowingly or recklessly employing an unauthorized alien or encouraging or inducing an unauthorized alien to enter the state for purposes of employment. Employment of an unauthorized alien without having obtained a federal I-9 form is sufficient to establish knowing or reckless employment. A violation is defined as a misdemeanor and is punishable by a fine of not more than \$50,000 for a first violation. Subsequent violations would be defined as felonies punishable by not more than \$100,000 or imprisonment for not more than 5 years for a second offense and imprisonment for not more than 5 years or a fine of not more than \$250,000 for third and subsequent offenses. The bill prescribes three factors for courts to consider in setting fines. These are the percentage of workers that are unauthorized aliens, the degree of danger associated with the work, and the type and extent of any mistreatment. The Attorney General is charged

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Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

with prosecuting violations. Local law enforcement may investigate and report violations. The bill takes effect 90 days after enactment.